

175 /377 cont./
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compose, there is no longer any recourse against it. If they do not come to an agreement, their imâm shall have the power to increase or diminish (the rate of the composition). The act coupled to this consultation, and which is contemporaneous, mentions the division of an inqâf between the anflus (sic) of Tinwalin and Tamt'ddit and their jemâa-s.

681 In fact, this penal law is matched by a fiscal organization, which sustains it. According to a principle that has not yet
[693] been entirely abandoned in modern finance, the magistrate, and more frequently the "verbalisateur" /verbalizer, one who draws up an official report/, as we would say, benefits from the fine imposed, or seizes the object of the offense. Such is also, as

624 has been seen, the retribution of the guardians of agricultural ban or imchchurd'a, whose name, formed from the Arabic root expressing the convention with /378/ clauses, clearly marks its character. But there is a great difference between this conduct and that of the moqaddem. The collectivity imposes interdiction
[689] on such-and-such a pasturage or such-and-such an orchard. Transgression authorizes, on the part of the communal agent, immediate capture: automatic application of a "prelaw," that being mixed with elements of noxal surrender. Such is the amchchard'o, the ancestor of the gamekeeper and village policeman. Much

634 more complex is the role of the moqaddem. If in certain cases
451 he too seems to reward himself from the flagrante delicto or
[554] "good take," most often he collects and keeps accounts of regu-
[651] latory payments, only a portion of which comes back to him. Periodically he must give an accounting. Here is a typical document on this subject. It is, let us say, the end-of-year report of a manager of communal funds. Although drawn up in inadequate form, it can be summed up in columns of figures (1).

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1. Abbreviations: m, mithqâl; o, uqiyya; mu, mûzûna; uj, wajh; f, fals. These are nominal moneys.

/256 cont./

343 develops and grows. Not only do the notables regulate the utili-
571 zation of the agadir, from which it is forbidden to take out more
554 than the "double of what is necessary as current provisions," but
they further mean to watch over the transactions made outside.

The "ommal" come to constitute a small privileged group that
exploits all the users to its advantage. Doubtless in their meet-
[578] ings they sometimes insult one another and mutually accuse one
another "of devouring the property of the widow and orphan, or
343 practicing injustice." But if such accusations are hurled against
571 them by a man of the tribe, the whole council decides to inflict
554 a heavy fine on the audacious one, even if his claim has some
683 foundation, for the "ommal" must be united under all circum-
stances, and their discords should not become manifest to the
common people. "They are men of confidence," says one of
these codes, "the agadir belongs to them, and because of that
fact they must justify before God the confidence that is put in
them by the people for the administration of their property." As
for the ones who dare to say: "All the principles that you use for
judging are not agreeable to me; I shall go to get justice in an
agadir other than yours," or "you have done nothing good in this
fortress, if it is not /257/ to oppress people to the detriment of
right," they are condemned to high penalties and the lodging of
the masters of the fortress. Likewise all those who derisively give
to the "ommal" the title of Sultan or of chief -- hakem -- or
call them "son of a donkey" or "liars" are also condemned to pay
large fines.

343 In the course of their tumultuous deliberations, the "ommal,"
571 having become veritable chiefs of the fraction, take care to re-
554 main united and to make positive decisions; in fact, it is indis-
pensable that all deliberation end in agreement, since the ma-
terial life of the users depends each day on the administration of
the storehouse. Before so pressing a necessity, the ingenuity of
the "ommal" makes them discover the rule of the majority, al-
most unknown in the Berbère /Berber/ republics: "In all circum-
stances," we read, "the 'ommal, when they have made a deci-
sion by a two-thirds majority, cannot see their authority contested."

/257 cont./

343 Moreover, it is important to defend the sentences of the
571 "commal" against all foreign interference. The justice of the
554 chra^c /shar^c, sharia: canonical law of Islam/ has nothing to do
683 with their affairs, and one who says that the "louh" is only
childish stuff and cannot serve for judging people lies and accuses
the notables of errors; and that is as serious as accusing God him-
self of lying, because the notables are as sacred as the "louh,"
and every question not foreseen in the "louh" is consigned to their
minds. The "louh" and the notables are as one. He who does
not admit it will have to pay 50 dinars!

343 Under these conditions one understands that the leaders of
571 the fortress naturally come to regard the "louh" and the fortress
554 itself as their own property. It is necessary to offer them a
meal in order to have the right to take cognizance of the collec-
574 tion of customary law, of which they are the sole holders. They
671 claim that their competence extends to all circumstances of the
common life, and there is scarcely anything but the repression of
murder, doubtless reserved for the common ^corf of the fractions,
434 that escapes them. They keep the better part of all the fines that
681 they collect, and the agadir treasury receives a part only if it is a
652 matter of a quarrel or theft.

434 The "commal," by the spirit of their deliberations, thus con-
681 stitute a small privileged senate, made up of rich men who ex-
652 ploit as they like the capital deposited in the agadir/by the tribe.
556 On the other hand, they guarantee the safety of the deposits and
471 facilitate all /258/ the complicated transactions that a skillful
legislation, whose secret they have, permits realizing.

[186] Such juridical monuments give the Berbères /Berbers/ pride
in these spontaneous creations of the genius of their race. Just as
people cite the best-constructed agadirs and take their arrange-
ment as a model when it becomes necessary to build, by general
corvée, a new fortress, so do they copy, while adapting them, the
best-known "louh." Those of Tammellokt to the south of Tiout,
of Tamalout of the Id Nouh in the Sirwa, of Ajarif or of Tasgent
of the Ilalen are among the most famous.